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**Sent:** Fri, 3 Sep 2021 12:52:07 +1000  
**To:** "Planning Admin" <planning.admin@launceston.tas.gov.au>  
**Cc:** "Contact Us" <contactus@launceston.tas.gov.au>  
**Subject:** Re Launceston City Council Draft Local Provisions Scheme  
**Attachments:** 030921 Appendix A - TasRail Response.pdf

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Thank you for notifying TasRail of the Launceston City Council Draft Local Provisions Scheme.

TasRail has taken the opportunity to review the available information and makes the following comments:

- The Draft LPS confirms the Road and Railway Assets Code will be continue to be adopted. Thank you. \_
- All State Rail Network land should be zoned Utilities and covered by the Road and Railway Assets Code. We note that Council has identified two parcels of State Rail Network land that the Draft LPS proposes to change to the Utilities zoning. We confirm that both of these land parcels are State Rail Network land and should be Zoned Utilities, being Property ID 3163315 Title Reference 18791/4 and Title Reference 50949/1. Thank you.
- TasRail has also identified a number of other land titles or rail bridges that require amendment to the Draft LPS to ensure State Rail Network land and rail bridges are correctly zoned Utilities. These are set out in Appendix A attached to this email.
- For context, the Rail Infrastructure Act 2007 (Tas) forms part of the legal and regulatory framework that governs rail assets and operations in Tasmania. Under this Act, TasRail is the Rail Infrastructure Owner (RIO) and the Rail Infrastructure Manager (RIM) of the State Rail Network (and all of the attendant rail infrastructure). The Rail Network consists of the railways specified in Schedule One of the Act. It is important to read Schedule One in conjunction with the definition of rail infrastructure and subsection (2) of the Act. The Rail Infrastructure Act applies to both operational and non-operational rail corridors,
- Subsection (2) states” ‘In this Act, unless the contrary intention appears, a reference to a railway is taken to be a reference to the track of the railway, the land corridor along which the track of the railway is laid and all of the attendant rail infrastructure. *Rail infrastructure* is defined as being:
  - a. Rail lines and fastenings; and
  - b. Crossing loops, sidings, switches and points; and
  - c. Sleepers and ballast; and
  - d. Drains and culverts; and
  - e. Bridges, cuttings, tunnels and embankments; and
  - f. Poles and pylons; and
  - g. Structures and supports; and
  - h. Overhead lines; and

- i. Platforms and railway stations; and
- j. Rail yards; and
- k. Freight sheds, workshops and associated buildings; and
- l. Electrical substations; and
- m. Signs and signalling equipment; and
- n. Train control and communication systems; and
- o. Traffic control devices that are capable of being automatically activated by trains; and
- p. Plant, machinery and other fixed equipment;.

Please don't hesitate to contact [property@tasrail.com.au](mailto:property@tasrail.com.au) should you have any questions re the above.

Kind regards

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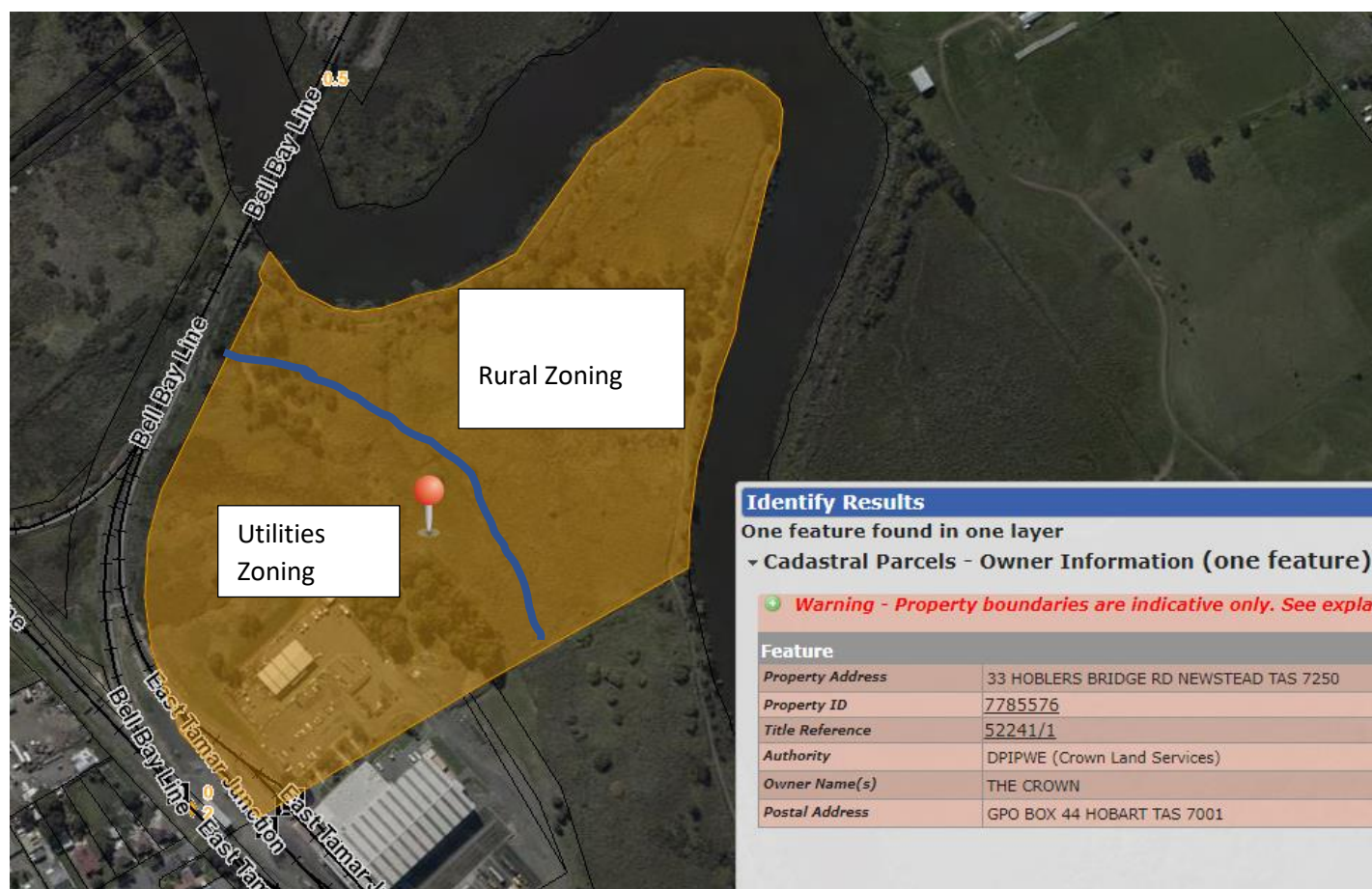
## APPENDIX A

### Item 1

Property ID 7785576 Title Reference 52241/1 is contained within the Rail Corridor Lease between TasRail and the Crown as confirmed by the Crown. It therefore forms part of State Rail Network land as communicated to Council's Kathryn Pugh and Caroline Elsner. This land parcel includes the East Tamar Junction Rail Workshops, Warehousing, Multiple Sections of Rail Network (Western Line and Bell Bay Line) including Rail Sidings. The current Rural Resource Zoning is therefore incompatible with the permitted land use/activity by TasRail.

Recently TasRail and Launceston City Council identified that the North Esk Trail has been constructed on this land title meaning that Launceston City Council is required to enter into a Land Licence with TasRail to permit this access and infrastructure to be on the land for which TasRail is responsible for and over which the Rail Infrastructure Act 2007 and Rail Safety National Law 2012 applies. Whether there is capacity to change the Rail Corridor lease to separate the area occupied by the North Esk Trail is a matter that will take time to investigate and it is not possible to know the outcome within the timeframe for determination and finalisation of this Draft LPS. In the meantime the current Rural Resource Zoning is not considered appropriate or compatible with TasRail's permitted land use and is potentially in conflict with TasRail's authority under Rail Legislation and its Rail Corridor Lease.

As an interim measure, TasRail suggests a split zoning of this land title may be appropriate, with the area below circled in blue zoned Utilities and the balance land within the title possible zoned Rural.

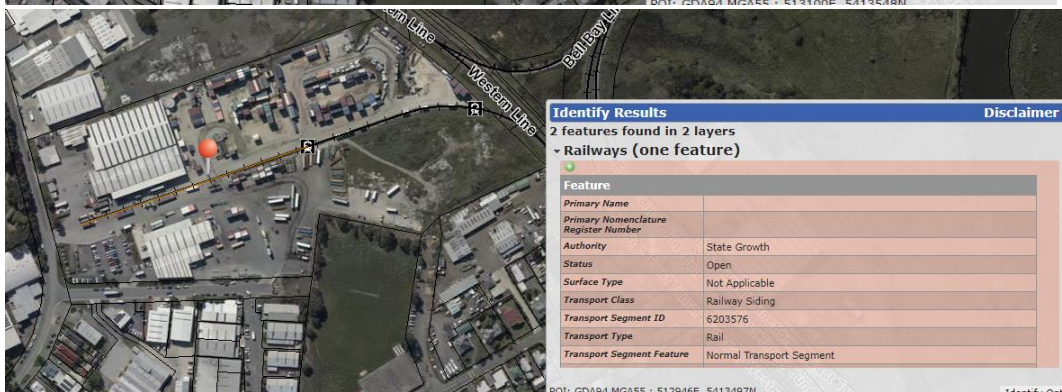
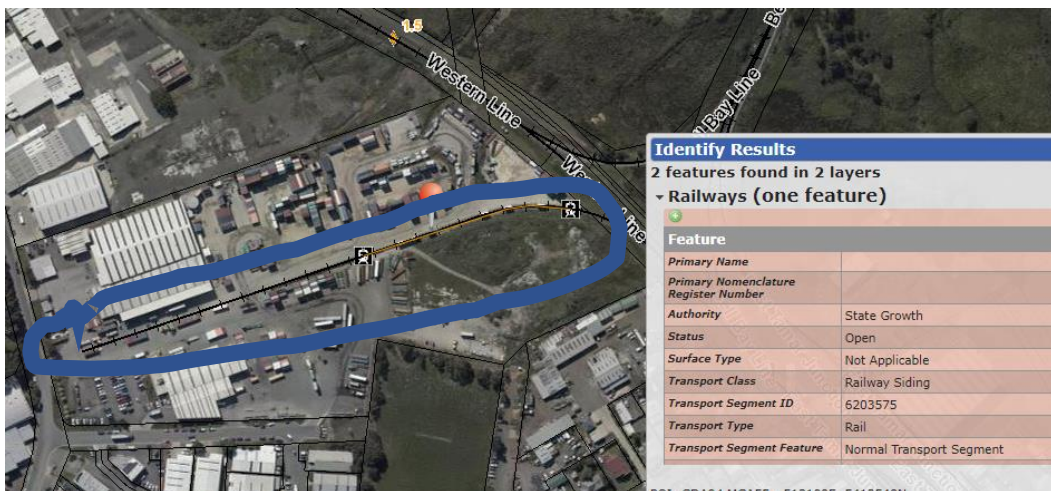




## Item 2

Property ID 6595324 Title Reference 19027/1 is zoned Light Industrial. The land however includes a Rail Siding that over which TasRail operates freight rail services and activities. This Rail Siding is adjoined to the Western and Bell Bay Rail Lines, noting that as per the Rail Infrastructure Act, Rail Sidings are included in the definition of Rail Infrastructure. Please note that while List Map identifies the Authority as State Growth, TasRail is the accredited Rail Infrastructure Manager for the Rail Siding and its activities/operation and use and noting the Rail Siding s governed by the Rail Infrastructure Act 2007 and the Rail Safety National Law 2012.

TasRail therefore recommends a split zoning of this land so that the Rail Sidings are zoned Utilities, and the balance land retains the Light Industrial zoning.

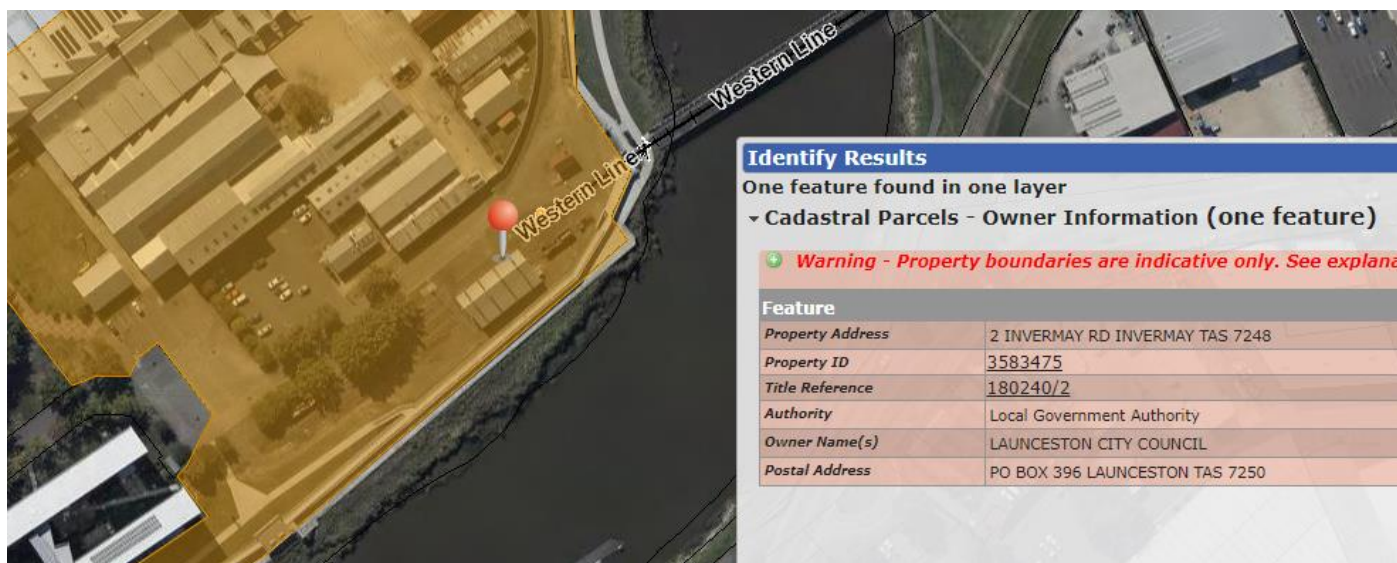
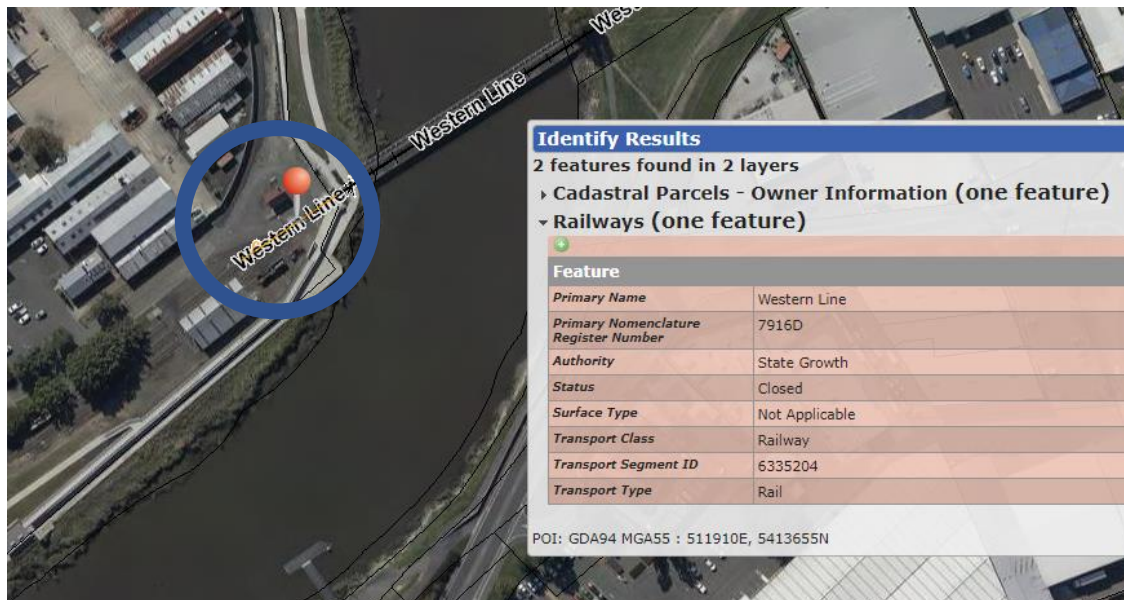




### Item 3

Property ID 3583475 Title Reference 180140/2 (2 Invermay Road) includes part of the Western Line as set out in Schedule One of the Rail Infrastructure Act 2007 being the railway commencing at the western end of the rail bridge on the North Esk River and running to the Wiltshire via the East Tamar Junction and Western Junction.

Consistent with TasRail's previous representations to the Launceston City Council, this section of the Western Line must be recognised as part of the State Rail Network as set out in the legislation. TasRail therefore requests that this section of the Western Rail Line be zoned Utilities consistent with the rest of the Western Line and other parts of the State Rail Network.





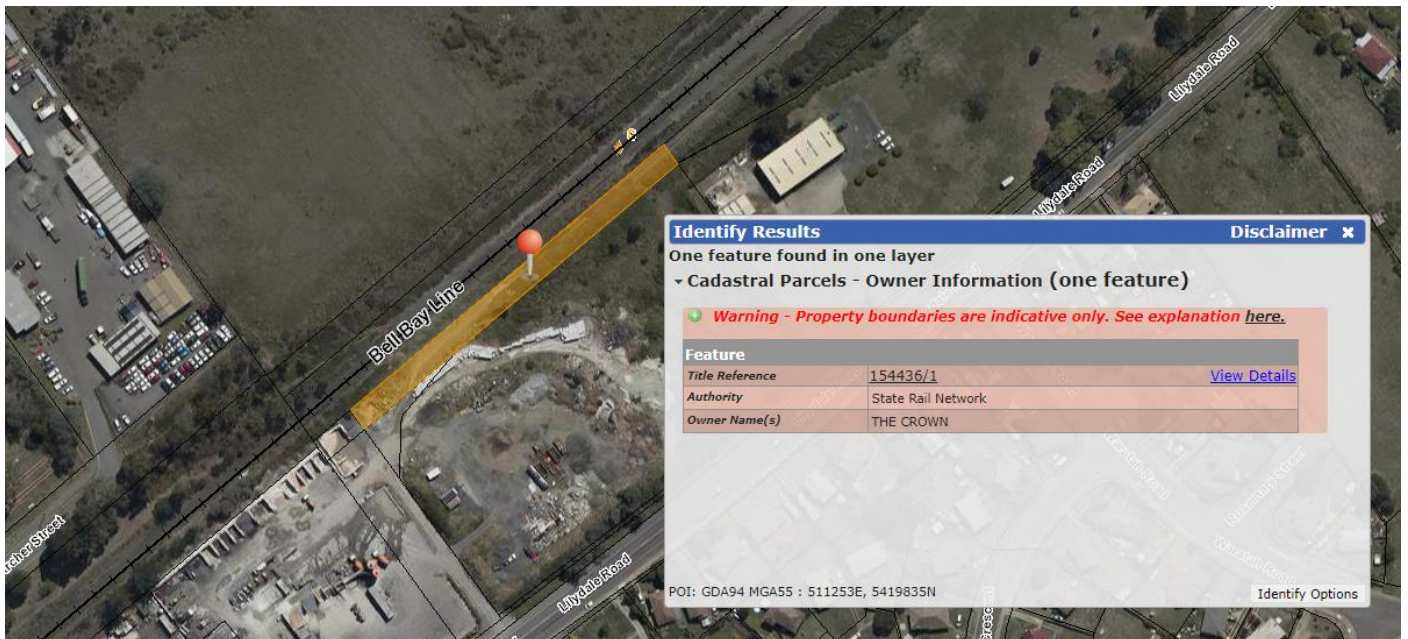
#### Item 4

The rail bridge known as Black Bridge as shown below forms part of the Western Line as set out in Schedule One of the Rail Infrastructure Act 2007 being the railway commencing at the western end of the rail bridge on the North Esk River and running to the Wiltshire via the East Tamar Junction and Western Junction. Consistent with TasRail's previous representations to the Launceston City Council, this section of the Western Line must be recognised as part of the State Rail Network as set out in the legislation. TasRail therefore objects to the rail bridge being included within the proposed Environmental Management Zone (for the river) and requests that the rail bridge itself be subject to a separate zoning of Utilities recognising this asset forms part of the Western Line and consistent with the rest of the Western Line and other parts of the State Rail Network.



#### Item 5

Title reference 154436/1 forms part of the Bell Bay Line as set out in Schedule One of the Rail Infrastructure Act 2007 being the railway running from East Tamar Junction to Bell Bay. TasRail requests the Launceston City Council Draft LPS be amended so that the zoning of this land title is changed from the current General Industrial to the correct Utilities consistent with its permitted purpose and in accordance with the legal and governance framework that applies to the State Rail Network.



### **Item 6**

The Rail Bridge as shown below and known as Hoblers Rail Bridge forms part of the Western Line as set out in Schedule One of the Rail Infrastructure Act 2007 being the railway commencing at the western end of the rail bridge on the North Esk River and running to the Wiltshire via the East Tamar Junction and Western Junction. Consistent with Item 4 above, this section of the Western Line includes this Rail Bridge must be recognised as part of the State Rail Network as set out in the legislation. TasRail therefore objects to the rail bridge being included within the proposed Environmental Management Zone and requests that the rail bridge itself be subject to a separate zoning of Utilities recognising this asset forms part of the Western Line and consistent with the rest of the Western Line and other parts of the State Rail Network.



### **Item 7**

The Rail Bridge as shown below and known as the Sandown Rail Bridge forms part of the Western Line as set out in Schedule One of the Rail Infrastructure Act 2007 being the railway commencing at the western end of the rail bridge on the North Esk River and running to the Wiltshire via the East Tamar Junction and Western Junction. Consistent with Items 4 and 6 above, this section of the Western Line includes this Rail Bridge must be recognised as part of the State Rail Network as set out in the legislation. TasRail therefore objects to the rail bridge being included within the proposed Environmental Management Zone and requests that the rail bridge itself be subject to a separate zoning of Utilities recognising this asset forms part of the Western Line and consistent with the rest of the Western Line and other parts of the State Rail Network.





## Item 8

Title reference 153283/1 is State Rail Network land. The blue circled area is likely an anomaly in that it appears to be part of Relbia Road being a public/ Council road. TasRail is continuing to make enquiries with the Surveyor General's Office as to the status of this portion of the land title that comprises the road, but in the meantime we have identified through the Draft LPS that the section circled in blue below is currently zoned Rural Living. As this is a Sub Arterial Road, we recommend this also be changed to Utilities zoning so that the Road and Rail Assets Code will apply.

